

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAVANNA JADE LOPEZ,

Defendants.

Case No. 23-CR-044-JFH-04

**UNITED STATES' RESPONSE TO SAVANNA LOPEZ'S
MOTION FOR SENTENCING VARIANCE**

COMES NOW the plaintiff, the United States of America, by and through Christopher J. Wilson, United States Attorney, and Erin A. Cornell, Assistant United States Attorney, and responds to defendant Savanna Lopez's Motion for Sentencing Variance. For the reasons set forth below, the government does not object to the defendant's request for a downward variance.

I. Background

Between October 2021 and October 2022, the defendant, members of her family, and a family associate purchased 107 firearms from four licensed firearms retailers in the Tahlequah and Muskogee areas. For each purchase, the defendants executed a Department of Justice ATF Form 4473, Firearms Transaction Record to the effect that they were the actual buyer of the firearm indicated on the Form 4473. In an indictment filed on March 8, 2023, the government alleged that as to each firearm transaction the defendants knew that they were not the actual buyer of the firearm. Defendant Savanna Lopez was alleged to have personally purchased 22 firearms.

On August 30, 2023, the defendant pleaded guilty to Count Seven of the indictment, without a plea agreement. The government will dismiss Counts Fifteen and Twenty-Three at the time of sentencing.

The Presentence Investigation Report (PSR) calculates the defendant's advisory guidelines range as 8 to 14 months, based on a Total Offense Level of 11 and Criminal History Category I. This range is in Zone B of the Sentencing Table. The defendant asks the Court to vary downward and sentence her to time served.

For the reasons set forth below, the government agrees with the Probation Office's calculation of the defendant's advisory guidelines range. Nevertheless, the government does not object to the defendant's request for a downward variance.

II. Argument

The defendant is asking the Court to vary downward and sentence her to time served. The government does not object to the defendant's request for a downward variance, as such a request here is supported by the Section 3553(a) factors.

The defendant has no prior arrests or convictions. She is married to co-defendant Eric Jesus Lopez and purchased the firearms at his request. She was last employed in 2020 and is currently unable to work due to a number of health issues. While the government in no way is trying to downplay the seriousness of the defendant's crime – unlawfully purchasing firearms – the defendant has been and will continue to be deterred from committing future crimes, as reflected by her lack of criminal history and, going forward, her felony status due to the instant conviction. Varying downward from the guidelines here will still provide a sentence that is sufficient but not greater than necessary to comply with the purposes set forth in Section 3553(a).

Furthermore, as demonstrated in the PSR, the defendants, including Savanna Lopez, quickly cooperated with law enforcement by agreeing to interviews, which were integral to the overall investigation. Although defendants obtained one continuance of trial, this was due to the size of the discovery production and was not because of the defendants' hesitancy to plead guilty.

III. Conclusion

For the reasons set forth herein, the government does not object to the defendant's request for a downward variance.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2024, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Meredith Curnutte, Attorney for Defendant Eric Lopez

s/ Erin A. Cornell
ERIN A. CORNELL
Office of United States Attorney